

RUDY BOX & ASSOCIATES, INC.)	AGBCA No. 2000-112-1
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Appellant)	
)	
Representing the Appellant:)	
)	
Rudy Box, President)	
Rudy Box & Associates, Inc.)	
Route 28, Box 980)	
Norman, Oklahoma 73071)	
)	
Representing the Government:)	
)	
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Office of the General Counsel)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

December 22, 2000

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 50-7335-8-26, between the U. S. Department of Agriculture, National Resources Conservation Service (NRCS), Stillwater, Oklahoma, and Rudy Box & Associates, Inc., of Norman, Oklahoma (Appellant). The contract work essentially involved construction of recreational facilities, comfort stations, control booth, picnic shelters and latrines. During performance, disputes arose regarding the grouting of tables, additional concrete costs, delay in work and increase in the difficulty of performance. On August 9, 1999, the Appellant submitted a claim and requested compensation in the amount of \$76,500. On September 23, 1999, the Contracting Officer (CO) issued a decision denying the claim.

The Board has jurisdiction over this appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613.

By letter dated December 6, 1999, Appellant filed a timely appeal of the CO's decision. The Board docketed the matter on December 17, 1999.

Pleadings were exchanged between the parties. Initially Appellant elected to proceed with a hearing but then withdrew that election. Thereafter, on September 8, 2000, the Board held a telephone conference with the parties. The purpose was to review the basic positions of the parties and to assure that the parties understood the evidence that would be required in order for either party to prevail on the record. In particular the Board stressed the need for detailed quantum evidence and documentation. As part of the discussion the Board and parties discussed the issues and addressed whether settlement was a possibility. The parties indicated a willingness to hold further discussions in an attempt to resolve the appeal by agreement.

By letter of September 19, 2000, the Board was advised by the parties that a settlement had been reached and the Board was provided a signed Settlement Agreement. As part of that agreement, Appellant for consideration, agreed to request dismissal of the appeal.

DECISION

Pursuant to the Settlement Agreement of the parties, the appeal is dismissed.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D. C.
December 22, 2000